

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MODERN LANGUAGE ASSOCIATION OF
AMERICA,

Plaintiff,

-v-

MARAT MELNYK, APPEARANCE
PUBLISHERS, V-KING SERVICES SAS, and
VINCENT KLIMMECK,

Defendants.

Civil Action No.
23-cv-03953 (JMF)(SDA)

[PROPOSED] FINAL JUDGMENT AND PERMANENT INJUNCTION

WHEREAS, on May 11, 2023, Plaintiff Modern Language Association (“MLA”) filed its Complaint against Defendants Appearance Publishers, V-King Services SAS, and Vincent Klimmeck, alleging violations of the Copyright Act of 1976, 17 U.S.C. 101 §§ *et seq.*, and Section 43(a) the Lanham Act, 15 U.S.C. § 1125(a);

WHEREAS, on August 10, 2023, MLA filed its Amended Complaint, adding Defendant Marat Melnyk (“Melnyk”);

WHEREAS, after proper service, Melnyk has failed to appear and defend;

WHEREAS, on November 3, 2023, the Clerk of Court declared Melnyk to be in default;

WHEREAS, on November 6, 2023, MLA sought a default judgment against Melnyk, including an award of monetary damages and injunctive relief; and

WHEREAS, this Court's independent review has determined that the Amended Complaint states a claim for relief against Melnyk on both causes of action; it is now

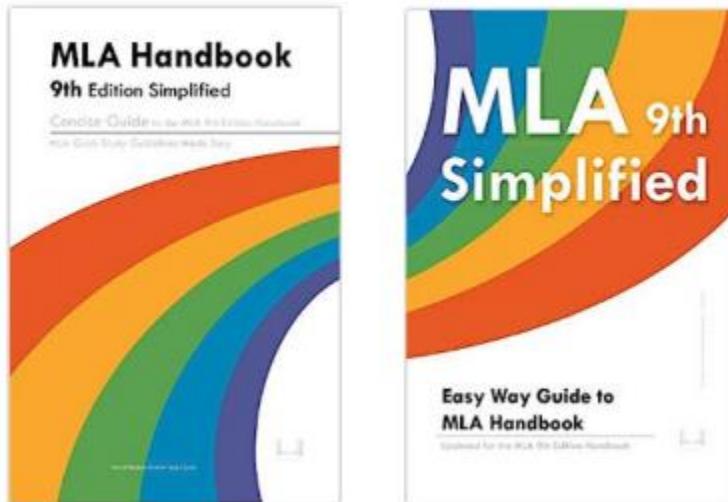
ORDERED, ADJUDGED AND DECREED: That MLA have judgment against Melnyk in the liquidated amount of \$ 25,000, representing statutory damages for willful infringement under the Copyright Act, plus costs and disbursements of this action; and

WHEREAS, this Court finds that MLA would be irreparably harmed absent the grant of an injunction; that money damages alone would not fully remedy the harms set forth in the Amended Complaint; that the balance of harms favors MLA; and that the public interest would not be disserved by an appropriate injunction; it is hereby

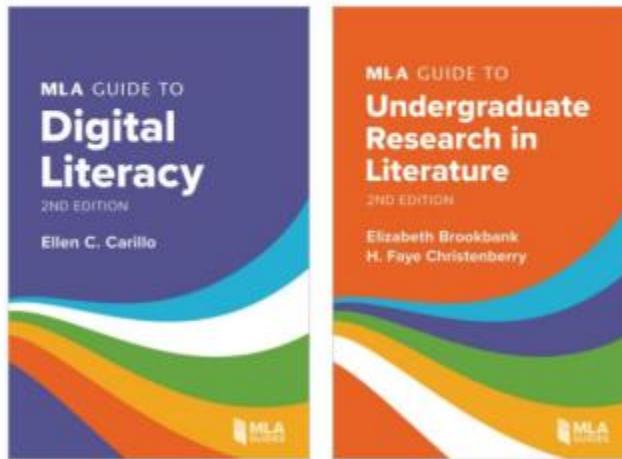
ORDERED that Melnyk, his agents, servants, officers, employees, and all those acting under his control and/or on his behalf and/or in concert with him (the “Melnyk Parties”), are permanently enjoined and restrained from:

1. Publishing, printing, reproducing, distributing, selling, or leasing, in any format (including both print and electronic formats), the books titled *MLA Handbook 9th Edition Simplified* and *MLA 9 Simplified* (together, the “Infringing Works”), or any other work substantially similar to them, or aiding, abetting, or assisting in such conduct;

Infringing Works



2. Reproducing or distributing the *MLA Handbook 9th Edition* (the “*Handbook*”) in whole or in part, and/or creating, reproducing, or distributing derivative works based on the *Handbook*, or aiding, abetting, or assisting in such conduct;
3. Using the names “Modern Language Association” or “MLA,” and/or MLA’s “rainbow” motif (depicted below), or any device substantially similar thereto, in connection with any trade or commerce, or aiding, abetting, or assisting in such conduct;



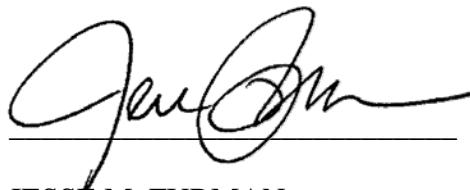
4. Claiming or representing, expressly or implicitly, that the Infringing Works, or any substantially similar work, have any affiliation with, association with, approval of, authorization by, or sponsorship by MLA, or aiding, abetting, or assisting in such conduct.

IT IS FURTHER ORDERED that all claims against Defendants Appearance Publishers, V-King Services SAS, and Vincent Klimmeck are hereby dismissed without prejudice; and

IT IS FURTHER ORDERED that this Court shall retain jurisdiction for the enforcement of compliance with this Injunction.

SO ORDERED:

Dated: New York, New York
November 28, 2023



JESSE M. FURMAN

United States District Judge

The Clerk of Court is directed to terminate ECF No. 34 and to close this case.